IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 13908 of 2004

Between:

P. Sridhar, S/o. Sri P. Saheb Rao,
Staff No. 455981 R/o. M.I.G. 1 B-32,
Near Ramalayam Street,

P.M. Palem, Visakhapatnam.

..... PETITIONER

AND

1. A.P.S.R.T.C. Musheerabad,

   Hyderabad. rep by its Managing Director

2 The Regional Manager, APSRTC, Visakhapatnam.
3 The Divisional Manager(Rural), APSRTC, Visakhapatnam.
4 The Dopot Manager, APSRTC, Visakhapatnam Depot,
Maddilipalem, Visakapatnam .
5 K.T. Rao, Staff No. 484013 - Trimmer,
O/o. Divisional Manager (Rural) Visakapatnam.
6 T. Trimuthulu, Staff No. 456765 Trimmer Grade II
O/o. Depot Manager, Visaka Steel City Depot,
Koramannapalem, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of Writ of Mandamus or any other appropriate writ i) declare the proceedings No. P3/813(12)/04-RM/VSP dated 29-7-2004 as illegal, arbitrary and discriminatory and set aside the same ii) declare that posting the petitioner outside the parent

division (Visakhapatnam Urba Division) is illegal and arbitrary and consequently direct the respondents to post the petitioner in Visakhapatnam Urban Division, which is his parent division.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents : KUM.B.G.UMA DEVI FOR RVAK.

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION No. 13908 of 2004

ORDER:

This writ petition has been filed to declare the proceedings dated 29-07-2004, as illegal and arbitrary.

2 . The learned counsel appearing for the petitioner contended that originally, the petitioner belongs to the Visakhapatnam (Urban) Division. But on promotion as Trimmer Grade-II, he was posted in the Visakhapatnam (Rural) Division. Subsequently, the 2nd respondent again transferred the petitioner to Paderu Division, through his proceedings dated 29-07-2004. Challenging the same, the present writ petition is filed.

3. On the other hand, the learned counsel for the respondent-Corporation contended that the 2nd respondent has adopted a policy to post the employees

to Paderu Depot initially at the time of promotion, to work at least for two years, irrespective of their seniority acquired either from Urban or Rural Division, for the administrative convenience and also to do justice to the employees who are working at Paderu depot years together and to give an opportunity to those employees to serve the respondent Corporation in the city depots. Therefore, the action of the respondent cannot be challenged.

4. On considering the submissions made by both the counsel and on perusal of the entire material available on record, it is made clear that originally, the petitioner was appointed in Visakhapatnam (Urban) Division. As there was no vacancy at the time of promotion as a Trimmer Grade-II, the petitioner was allotted to Visakhapatnam (Rural) Division and the action of the 2nd respondent was also not challenged by the petitioner. Since, the petitioner having accepted the said promotion and joined as a Trimmer
Grade-II, he continued to work in the rural division. In the mean time, the present impugned proceedings have been issued to transfer him to Paderu Division. However, issuing transfer order is not only the incidence of service but also one of the service conditions.

5. It is not brought to the notice of this Court that under any Rule or Regulation, the person, working in the Urban Division, cannot be worked in the Rural division but in view of the matter at present, since there is no vacancy in the Visakhapatnam (Urban) Division, the petitioner was transferred to Visakhapatnam (Rural) Division and he will be continued in the Rural Division till whenever any vacancy arises in the Urban Division.

6. As seen from the counter affidavit, it is made clear that the present transfer issued to the petitioner herein is purely in the interest of the administration. Moreover, the seniority of the petitioner herein in his parent division is not all effected. This transfer is not permanent but only for a period of two years and after completion of his two years minimum period at Paderu depot, his representation will be considered.

7. Therefore, the impugned order does not suffer from any legal infirmities. However, liberty is given to the petitioner to file a representation before the respondent and the same shall have to be considered in accordance with the Rules and Regulations of the Corporation.

8. Accordingly, the writ petition is disposed of. In the circumstances, there shall be no order as to costs.

_____ December 16, 2004

Kvr
TO

1. The Managing Director, A.P.S.R.T.C. M

Musheerabad, Hyderabad.

2 The Regional Manager, APSRTC, Visakhapatnam.
3 The Divisional Manager(Rural), APSRTC, Visakhapatnam.
4 The Dopot Manager, APSRTC, Visakhapatnam Depot, Maddilipalem, Visakapatnam .
5 Two C.D. Copies.